

ARTICLE 2. GENERAL REGULATIONS

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SECTION 2.01 APPLICABILITY OF GENERAL REGULATIONS

The following general **regulations** of this article shall apply in all situations unless otherwise indicated.

SECTION 2.02 REDUCTION OF LOT AND YARD AREAS PROHIBITED

No **yard** or **lot** existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth in this Ordinance. **Yards** or **lots** created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 2.03 ZONING AFFECTS EVERY BUILDING AND USE

No building or land shall hereafter be used and no building or part thereof, shall be **erected**, moved, or altered, except in conformity with the regulation herein specified for the district in which it is located, except as hereinafter provided in this Ordinance.

SECTION 2.04 REQUIRED YARDS NOT TO BE USED BY ANOTHER BUILDING

The minimum **yards** or other **open spaces**, required by this Ordinance, for each and every building hereafter **erected**, moved or structurally altered shall not be encroached upon or considered as meeting the **yard** or **open space** of any other building, except as otherwise specified by this Ordinance.

SECTION 2.05 ONE PRINCIPAL BUILDING

- (A) Only one (1) **principal building** per **lot** shall be allowed unless otherwise allowed by this Ordinance.
- (B) No more than one (1) **principal building** devoted to a residential use shall be allowed on a **lot** except as part of a multi-family **development**.

SECTION 2.06 RELATIONSHIP OF BUILDING TO LOT

Every building hereafter **erected**, moved or structurally altered shall be located on a **lot** and, in no case, shall there be more than one (1) principal residential building and its customary **accessory structures** on a **lot**, except as provided in Section 2.09.

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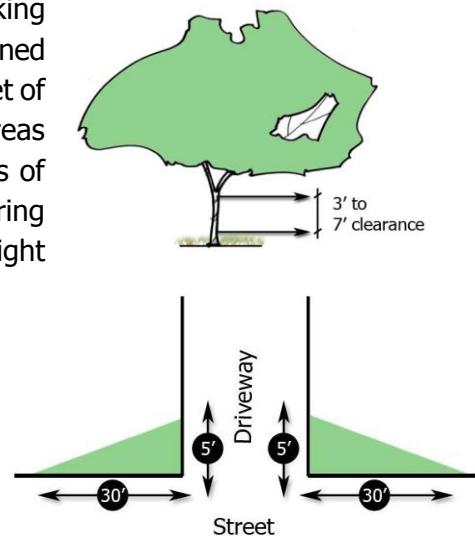
SECTION 2.07 STREET ACCESS

- (A) No building shall be **erected** on a **lot** which does not abut a **street**, as defined in Appendix A. Where a **lot** location has sufficient area to permit the **erection** of more than one (1) **principal building** in conformity with all dimensional requirements of the district in which it is located, there may be provided on the remaining portion of the **lot**, additional buildings for residential purposes which do not abut upon a **street**, provided an **easement** or right-of-way twenty (20) feet or more in width is provided to permit ingress and egress to any additional residential building constructed on the **lot**.
- (B) In a designed **shopping center** in a business district, a building may be **erected** on a **lot** which adjoins a parking area or other dedicated **open space**, used in common with other **lots**.
- (C) This section shall not be construed as permitting the **erection** of any such additional structures beyond a distance of one hundred twenty-five (125) feet seaward of the property line **abutting** the **street** right-of-way of Main Street.

SECTION 2.08 SIGHT VISIBILITY TRIANGLE

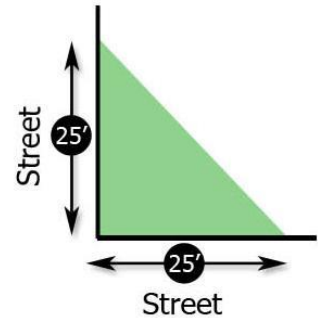
The land adjoining a **street** intersection or egress to a **street** from off-street parking areas shall be kept clear of obstructions to protect the visibility and safety of motorists and pedestrians.

- (A) **Driveways.** At all points of egress from off-street parking areas to a road, unobstructed visibility shall be maintained at an elevation of between three (3) and seven (7) feet of the centerline pavement level, within the two (2) areas formed by two (2) right angle triangles, on the sides of the driveway. Each triangle shall have a base measuring five (5) feet along the edge of the driveway and a height measuring thirty (30) feet along the edge of the road right-of-way.



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- (B) **Corner Lot Intersections.** At the corners of road intersections, unobstructed visibility shall be maintained at an elevation between three (3) and seven (7) feet of the centerline pavement level within an area required by the **regulations** adopted by the NC Department of Transportation in Subdivision Roads: Minimum Construction Standards, May 1, 1983, and any subsequent amendments thereto.



All properties located at the intersection of all public right-of-ways must comply with this standard within six (6) months of the adoption of this Ordinance. Notice may be provided per the direction of the **UDO Administrator**, as deemed necessary.

SECTION 2.09 TEMPORARY STORAGE CONTAINERS

- (A) Temporary storage containers are defined as:
- (1) Containers no larger in dimension than 8 ft x 8 ft 6 in x 16 ft and transported to a designated location for storage purposes (typically known as PODS).
 - (2) Containers designed or used on property zoned for residential purposes for the collection and hauling of waste or debris (construction dumpsters).
 - (3) Non self-propelled, fully enclosed **trailers** that are designed or used to transport goods, materials and equipment and are placed on property zoned or used for residential purposes (semi-**trailers**).
- (B) Temporary storage containers may be placed on property zoned or used for single-family or two-family residential purposes upon compliance with all of the following:
- (1) No more than two (2) temporary storage containers shall be located on a single **lot** or parcel of land.
 - (2) No other type of container or shipping container is located on the same **lot** or parcel of land.
 - (3) Temporary storage containers shall not be used to store or transport nonresidential materials and substances, including but not limited to the following: solid waste, **hazardous materials**, explosives and unlawful substances and materials.

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- (4) Permits issued for temporary storage containers will be issued by the **UDO Administrator** incident to an active building permit. Subsequent to issuance of a **certificate of occupancy** all temporary storage containers must be removed within ten (10) business days. The owner of a **lot** or parcel on which a dumpster will be placed shall be responsible for providing written notice to the **UDO Administrator** within twenty-four (24) hours of the placement. The placement of the storage container will require the issuance of a permit through the Town of Sunset Beach Building Inspections Department. The **UDO Administrator** may approve an extension by issuing a permit up to ninety (90) days, upon determining all of the following:

(Am. Ord. of 06/02/14 – See Appendix D)

- (a) That a principal residential structure is damaged or dilapidated.
- (b) That the residential structure will undergo renovation, repair or reconstruction during the extension.
- (c) That a building permit has been issued for the renovation, repair or reconstruction, if required, and remains valid during the extension.
- (d) That the temporary storage container will not be used to store nonresidential materials and equipment such as contractor=s materials and equipment during the extension. Temporary storage containers shall comply with the following **setbacks**:
 - (i) If a temporary storage container is placed in the required **front yard**, then the temporary storage container shall be located only in the area primarily used for vehicular ingress and egress and must have five (5) feet **setback** from the edge of the right-of-way.
 - (ii) If a temporary storage container is placed in the required **rear** or **side yard**, no **setback** shall be required except that no temporary storage container shall encroach upon **adjacent property**.

SECTION 2.10 TRAILERS, CAMPERS, AND MOTORIZED DWELLINGS

Trailers, campers, tents, and motorized dwellings shall not be used for overnight occupancy in any **zoning** jurisdiction of the Town.

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SECTION 2.11 MATERIALS STORAGE YARDS

All **materials storage yards**, whether the principal use of the land or an **accessory use**, shall be enclosed by an attractive, well-maintained opaque **fence** at least seven (7) feet in height. The use shall be permissible only by **appeal** to the Board of Adjustment.

SECTION 2.12 LIVESTOCK AND WILD ANIMALS PROHIBITED; HORSES RESTRICTED

- (A) Maintaining **livestock** and/or **wild animals** on any property located within the Sunset Beach planning jurisdiction is prohibited.
- (B) Horses shall be allowed subject to the following conditions:
 - (1) There shall be at least two (2) acres of land per horse.
 - (2) No structure that houses the horses shall be **erected** or maintained within fifty (50) feet of any property line.
 - (3) Horses shall be pastured in a **fenced** area.
 - (4) **Fences** along any property line or within any **setback** areas shall be a minimum of four and one-half (4.5) feet in height, not to exceed five (5) feet in height, and shall be constructed of cattle wire or wooden boards attached securely on the inside of the post. Electrically charged fencing is prohibited.
- (C) **Nonconforming uses**, at the effective date of this section, shall be subject to Article 8.

SECTION 2.13 USE OF MANUFACTURED HOMES RESTRICTED

- (A) Except as permitted in Section 6.04, there shall be no **manufactured homes** or house **trailers** located within the Town limits or its extraterritorial area on any publicly- or privately-owned land. No person may park any **manufactured home** or house **trailer** on any **street, alley**, highway, or other public place.
- (B) A temporary permit, not to exceed one (1) year, may be required for a manufactured unit (with or without wheels) for the purposes listed below:

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- (1) A construction **trailer** associated with a specific building project. The manufactured unit must be parked on site and not on any **street, alley**, highway, or other public place.
- (2) A manufactured unit used in connection with a public welfare purpose such as a blood drive, X-ray screening, or other similar programs.
- (3) A manufactured unit used for a community sponsored activity, approved by the **Town Council**.

SECTION 2.14 DRIVEWAY ACCESS AND CONNECTIVITY

The intent of the driveway **access** and connectivity standards is to ensure that land adjacent to a thoroughfare is developed in a manner that promotes the health and general welfare of the public. The standards serve to facilitate the provision of transportation by promoting the safe and efficient movement of traffic by reducing excessive driveway cuts.

- (A) Driveways connecting to a **Major Collector**, on the same side of the road, shall be no closer than two hundred (200) feet from each other. Joint use driveways must be provided. The driveway centerline may be the common property line. Approval of driveway **access** between a **lot** and the **Major Collector** at an interval less than those specified herein may be granted only by review and approval of the Sunset Beach **Planning Board**.
- (B) When a **joint access driveway** is developed, the owners/developers of the affected properties shall provide for mutually coordinated parking, **access** and circulation systems, and shall provide design features as necessary to make it visually obvious that **abutting** properties shall be tied together to create a unified system. If a site is developed adjacent to an undeveloped piece of property, it shall be designed so that its parking, **access** and circulation are easily tied together to create a unified system at a later date. If the building site abuts an existing developed property it shall tie into the **abutting** parking, **access** and circulation to create a unified system. Copies of the recorded **access easements** and maintenance agreements must be provided to the Town.
- (C) **Joint access driveways** shall be in accordance with design, construction, and maintenance standards set forth in the North Carolina Department of Transportation's Policy on Street and Driveway Access to North Carolina Highways or as amended. Notwithstanding any other provisions of this section, the driveway **access** provisions shall not be applicable to any **lot** where:

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- (1) The effect of such application would be to substantially diminish the value of the tract or to deprive the **lot** of reasonable **access**; or
- (2) The size of the tract being subdivided or developed, or lack of frontage on the **Major Collector**, makes alternatives A, B, and C above infeasible.

SECTION 2.15 COMPUTATION OF TIME

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays, and holidays shall be excluded.

SECTION 2.16 FEES

- (A) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice, and similar matters may be charged to **applicants** for **zoning** permits, **sign** permits, conditional use permits, **subdivision** approval, **site plan** approval, **zoning** amendments, **variances**, changes to Ordinance text and map, and other administrative actions. The amount of the fees charged shall be as set forth in the Town=s budget or as established by resolution of the **Town Council** filed in the office of the Town Clerk.
- (B) Fees established in accordance with Subsection (A) shall be paid upon submission of a signed application or notice of **appeal**.

Section 2.17 Underground Electric Service

Underground electric service to all new construction is required. Underground service shall be required in the event of repairs and upgrading of electric service to an existing building.

SECTION 2.18 Filling, Grading, and Excavation

- (A) No **lot**, parcel or tract of land may be disturbed by grading, filling, excavation, and removal of trees or removal of stumps without a Town Fill and Grade permit. Permits for Fill and Grade shall be accompanied by a scaled grading plan depicting elevation change prepared by a licensed surveyor, landscape architect, or professional engineer. For single-family residential and duplex dwelling uses, when fill is not proposed in excess of 4 inches, a scaled grading plan is not required.
- (B) Exceptions to this section:

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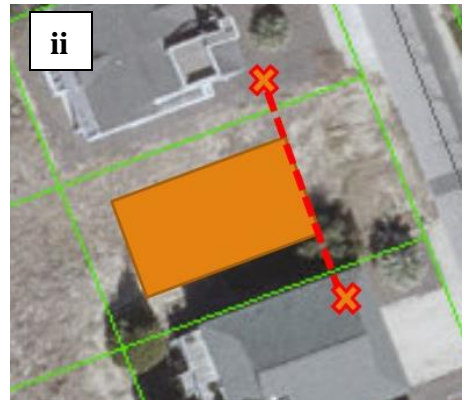
- a. Fill that is necessary to meet any County or State requirements for a Health or Storm Water permit. In which case, fill shall only be allowed to the minimum extent necessary to obtain a permit.

(C) Establishment of ***Finished Ground Level***:

- a. For ***lots*** on the island:
 - i. For ***lots*** where only one adjacent side ***lot*** is developed, the ***finished ground level*** shall be no greater than the ***finished ground level*** of the adjacent, developed lot.



- ii. For ***lots*** where both adjacent side ***lots*** (front and rear for corner ***lots***) are developed, the ***finished ground level*** of any ***lot*** shall be determined by measuring the average elevation of two points along the proposed ***building footprint*** that extends 10 feet past each adjacent ***lot*** line. The ***finished ground level*** shall be no greater than this measurement.

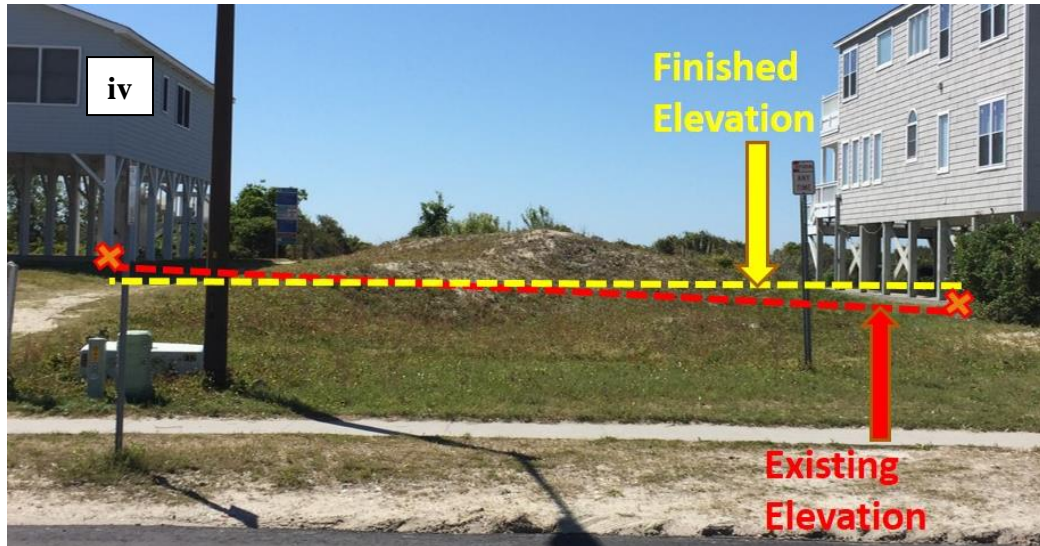


- iii. For ***lots*** where both adjacent side ***lots*** (front and rear for corner lots) are not developed, the ***finished ground level*** shall be no greater than one foot above the crown of the road.



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- iv. For **lots** whose average grade is above the adjacent road, the established **finished ground level** shall be determined by measuring the average elevation of the ground. The average elevation shall be measured in accordance with Section 2.18 (A)(a)(ii).



- v. Sand will not be taken from the island nor shall it be removed from the CAMA Area of Environmental Concern (AEC) from which it originated.
- vi. In no instance shall the construction of a **street** result in a change in elevation at any point along said **street** that exceeds one foot above the existing grade at the time of applying for a Town issued permit for Fill and Grade.

- b. For **lots** on the mainland:

When grading or filling of a lot is proposed, the **finished ground level** of any **lot** shall be measured in accordance with Section 2.18 (A)(a)(ii).

- c. In instances whereby the **finished ground level** cannot be obtained as specified herein due to natural topography, existing development adjacent to the **lot**, or other factors relative to site conditions, the **Planning Board** shall determine the **finished ground level** upon review and approval of a proposed grading plan.

(D) All fill shall be established at a slope not to exceed 3:1 (three feet horizontal run for every one-foot vertical rise) and shall be stabilized to prevent erosion. Alternatively, construction of a retaining wall, bulkhead, or other engineered containment device to prevent fill and surface water from running onto adjacent **lots** may be permitted.

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- (E) The builder and/or owner shall be responsible for grading the **lot** in such a manner as to absorb surface runoff and/or provide a stormwater catchment system for runoff.
- (F) A silt fence must be erected around that portion of a **lot** being disturbed that causes erosion onto adjacent property, waterbodies, and/or street right of ways. Exception: Only the portion of the **lot** adjoining golf course greens or fairways or a portion of a **lot** for construction access is exempt.
- (G) This section does not alleviate any property owner from adhering to nor from obtaining required permits from any County, State or Federal authority.

Site work in accordance with the approved Town Fill and Grade permit must be complete within 90 days of issuance. Upon expiration and provided that substantial progress has occurred, the Town Fill and Grade permit may be extended for a period of 90 days.

SECTION 2.19 Alteration of Sand Dunes or Ocean Front Vegetation

- (A) It shall be unlawful to alter, disturb, or relocate any sand, sand dune, or cut or remove vegetation on any lot except under the following circumstances, whichever is most restrictive, after proper application to the Town and the issuance of a zoning permit:
 - (1) Alteration needed to accomplish CAMA approved activities;
 - (2) Vegetation exceeding the height of the first, habitable floor level of the house on the lot. In such case, the vegetation may be trimmed down no lower than the first habitable floor level.
- (B) Exemptions. The Town, County, State or Federal governments shall be exempt from this section in the normal upkeep, construction, or maintenance of Town or other approved governmental facilities and infrastructure and in compliance with all applicable CAMA regulations.
(Am. Ord. of 04/19/16)

SECTION 2.20 Maintenance of Docks, Piers and Bulkheads

Docks, Piers and Bulkheads shall be kept in good repair and condition so as to not adversely threaten or affect the health, safety or general welfare of adjacent property owners or the general public. In the event the Town determines that a dock, pier or bulkhead does not meet the minimum standards for structural condition as set forth herein, staff shall notify the owner of the defective

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conditions along with the repairs required to remedy said condition.

(A) Minimum Standards for structural condition:

- (1) Walls, partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle and shall not be damaged.
- (2) Floors and roofs shall have adequate supporting members and strength to be reasonably safe.
- (3) Foundations, foundation walls, piers, pilings or other foundation supports shall not be deteriorated or damaged.
- (4) Steps, stairs, landings, porches, decks, gazebos, walkways or other parts or appurtenances shall be maintained in such condition that they not fail or collapse.

(B) Owner to correct hazard.

- (1) If after inspection by the Town's Planning and Inspections Department it is found that such structure is in a damaged condition to the extent that it no longer meets the minimum standards for structural condition as set forth in Section A, the UDO Administrator shall notify the owner of such structure in writing to have the same demolished, removed, repaired or otherwise properly secured within thirty (30) days. The notice shall state the department's findings as to the condition of the structure.
- (2) Where demolition, repair, or removal is not practicable within the specified time, the UDO Administrator may extend that time by an additional ten (10) days on the condition that the owner take such measures to secure the structure so as to prevent accident or injury until such time as the owner can fully comply with the order.

In no instance shall the owner fail to have the structure demolished, repaired, or removed within ninety (90) days of the issuance of the final notice. If repairs have not been made and inspected for compliance with N.C. State Building Code and Section A, within ninety (90) days of the issuance of the final notice. In the event that a CAMA Major Permit is required for necessary repairs, then the owner shall have up to one-hundred eighty (180) days to correct the hazard in accordance with this ordinance. The owner will be subject to penalties and remedies outlined in Section 1.12 (G) of this ordinance if unable to correct the hazard as specified herein.

(New Ord. adopted 03/06/17)

SECTION 2.21 DEBRIS FROM BUILDING CONSTRUCTION

- (A) The owner, builder, contractor, subcontractor, their representative, agent, or employee of any building being constructed, altered, or restored on any lot or parcel of land within the corporate or extraterritorial limits of the Town, is responsible for immediately removing any construction-related debris, trash, or

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refuse from any adjacent property to include roads, streets, canals, beach, and public areas.

- (B) All debris and trash must be contained on-site during construction. All garbage receptacles must have high sides or covers to prevent the airborne transport of debris such as plastic and paper. In addition, hazardous materials used during the construction process must be stored and disposed of properly to ensure that they do not enter surface waters.
- (C) All multi-family or larger structures and commercial structures must have dumpsters on site for debris from building construction.
- (D) The person or firm responsible for the site development is responsible for removing or the cost of removing debris, trash and any other hazardous material from surface waters, estuarine waters, SA waters and/or waters of the Atlantic Ocean.

SECTION 2.22 SURVEYS

- (A) A survey shall be made for each lot by a licensed surveyor before a zoning permit or building permit is issued for initial construction or change in the footprint of the structure.
- (B) Before permits are issued, the UDO Administrator may require the owner to furnish the following:
 - (1) A recent property boundary survey, visibly marking exact location of all property corners, shall be made by a registered land surveyor licensed to practice in North Carolina.
 - (a) A recent survey shall be defined as a survey made within a period of no more than six months prior to applying for the permit.
 - (2) An average lot elevation shall be established by a registered land surveyor licensed to practice in North Carolina as per Section 2.18 Filling, Grading, and Excavation.
- (C) An as-built survey prepared by a registered land surveyor licensed to practice in North Carolina must be submitted to the UDO Administrator before a certificate of occupancy will be issued.

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- (1) The as-built survey must include information regarding impervious surface percentages.
 - (a) If the subject property is within a CAMA AEC, the survey must include information specific to the impervious surface percentage within the limits of the AEC.
- (2) The as-built survey must include elevations for the average finished grade of the subject property, the average finished grades of the adjacent properties (as measured per Section 2.18), and the elevation of the crown of the road.

SECTION 2.23 STREET ADDRESS DISPLAY

- (A) New and existing buildings shall be provided with approved address numbers or letters. Each character shall be a minimum 4 inches (102 mm) high and a minimum of 0.5 inch (12.7 mm) wide. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole, or other approved sign or means shall be used to identify the structure.
- (B) Owners or occupants of buildings already constructed which do not comply with this ordinance will be notified and requested to meet these requirements within 60 days from the date of notification. A warning notice will be issued after 60 days if the requirements have not been met. If the owner or occupant does not comply voluntarily with this Ordinance within 30 days of delivery of a warning notice by registered or certified mail or by hand delivery to the building of violation, enforcement action pursuant to Section 1.12 may be initiated.